

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-16-0039
RULES 26 & 47, ARIZONA RULES OF	)	
FAMILY LAW PROCEDURE	)	
	)	
	)	<b>FILED 12/14/2016</b>
	)	
	)	
_____	)	

**ORDER  
AMENDING RULES 26 AND 47, ARIZONA RULES OF FAMILY LAW PROCEDURE,  
ON A PERMANENT BASIS**

Rules 26 and 47, Arizona Rules of Family Law Procedure, were amended by the Court on an expedited basis, effective August 6, 2016, with a comment period ending October 28, 2016. No comments having been received, upon consideration,

**IT IS ORDERED** that Rules 26 and 47, Arizona Rules of Family Law Procedure, be amended on a permanent basis in accordance with the attachment hereto.

DATED this 14th day of December, 2016.

\_\_\_\_\_  
/s/  
SCOTT BALES  
Chief Justice

TO:

Rule 28 Distribution

David K Byers

## ATTACHMENT\*

### Arizona Rules of Family Law Procedure

#### Rule 26. Additional Filings

**A. Preliminary Injunction and Summons with Petition for Annulment, Dissolution, Legal Separation, Dissolution of Covenant Marriage, or Legal Separation in Covenant Marriage.** Along with the original petition for annulment, dissolution, legal separation, dissolution of covenant marriage, or legal separation in covenant marriage, the party shall present to the clerk of the court a preliminary injunction for issuance pursuant to A.R.S. § 25-315(A), a summons and a copy of the summons so that the clerk of the court may issue the summons and the copy of the summons for service on the opposing party.

**B. Summons with Original Petition for Child Custody by Parent, Paternity or Maternity.** Along with the original petition for child custody by parent, paternity, or maternity, the party shall present to the clerk of the court a summons and a copy of the summons so that the clerk of the court may issue the summons and the copy of the summons for service on the opposing party. In an action to establish legal decision-making and parenting time for a child whose paternity has already been established, the party shall present to the clerk of the court a preliminary injunction for issuance pursuant to A.R.S. § 25-808.

**C. Order to Appear.** In all actions other than those listed in paragraphs A and B, and Rule 91(D), along with the original petition seeking relief the party shall also present to the court an original and copy of an order to appear for the court to schedule a hearing on the petition.

**D. Notices, Forms and Orders.** A party filing a petition shall present to the clerk of the court for issuance of all notices, forms and orders required by statute, these rules, local rule or administrative order to be served on the opposing party.

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\* Additions to text are indicated by underscoring and deletions by ~~strikeouts~~.

## **Rule 47. Temporary Orders**

**A. Motions for Pre-Decree or Pre-Judgment Temporary Orders.** A party seeking temporary orders under A.R.S. §§ 25-315, 25-324, 25-404, 25-407, 25-408, 25-409, 25-808, 25-817 or 25-905 shall do so by filing a separate verified motion with the court setting forth the legal and jurisdictional basis for the motion and the specific relief requested. The motion shall be filed after or concurrently with the initial petition, shall incorporate the relevant allegations of a filed petition by reference and not separately repeat them, and shall include the following information and documents, where relevant:

1. *Legal Decision-Making and Parenting Time.* If a party seeks a temporary legal decision-making, parenting time, or visitation order, the motion shall set forth a proposed parenting plan specifically stating the legal decision-making, parenting time, and visitation requested for all parties to the action.
2. *Child Support.* If a party seeks a temporary child support order, the party shall include and file with the motion a completed a Child Support Worksheet setting forth the amount requested in accordance with the current *Arizona Child Support Guidelines*. The movant shall also provide copies of all child support disclosure documents required by Rule 49(C) to the opposing party within the time period specified in paragraph E, and shall provide an additional copy of these documents to the court at the time of any evidentiary hearing held on the motion.
3. *Spousal Maintenance.* If a party seeks a temporary spousal maintenance order, that party shall state the specific duration and amounts requested and file an affidavit substantially similar to Form 2, Affidavit of Financial Information.
4. *Property, Debt, and Attorneys' Fees.* If a party seeks temporary orders to exclude a party from a residence, to divide community property, or to order payment of debt, expenses, or attorneys' fees, the motion shall set forth the specific relief requested, the proposed division of property, the income and assets that will be available to each party, and the responsibility each will have for payment of debt, expenses, and attorneys' fees if the order is granted. If a party seeks a temporary order for payment of attorneys' fees that party shall state the specific amount requested and file an affidavit substantially similar to Form 2, Affidavit of Financial Information.

**B. – N. [No change in text.]**